

From: Fauver, Becky
Sent time: 09/17/2014 08:24:21 AM
To: Meade, Chris
Subject: FW: Scanned image from R10A00A00ESHARP
Attachments: SHARPSCANNER_20140911_125457.pdf

Chris – Here's the Juneau Access response to our preliminary comments like I mentioned.

Good to see your face in Seattle!

Becky Fauver
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
US EPA Region 10
1200 Sixth Avenue, Suite 900, ETPA-083
Seattle, Washington 98101
Ph 206.553.1353

From: Curtis, Jennifer
Sent: Thursday, September 11, 2014 1:29 PM
To: Fauver, Becky
Cc: LaCroix, Matthew
Subject: FW: Scanned image from R10A00A00ESHARP

Hi Becky,

I just realized that you were not cc'd on this correspondence. My apologies if Matt already forwarded it to you. I am quite pleased with FHWA's responses overall.

Still no word on when the public Draft EIS will be out.

Take care.

Jennifer Curtis, NEPA Reviewer
US EPA-Alaska Operations Office
222 West 7th Avenue, #19
Anchorage, Alaska 99513
Phone: 907-271-6324
Fax: 907-271-3424

From: SHARPSCANNER [mailto:SHARPSCANNER]
Sent: Thursday, September 11, 2014 11:55 AM
To: Curtis, Jennifer
Subject: Scanned image from R10A00A00ESHARP



U.S. Department
of Transportation
**Federal Highway
Administration**

Alaska Division

September 02, 2014

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In Reply Refer To:
STP 000S(131)/71100

Ms. Jennifer Curtis
NEPA Reviewer
U.S. Environmental Protection Agency
222 West 7th Avenue, #19
Anchorage, AK 99513

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Dear Ms. Curtis:

Thank you for the February 21, 2014, letter from Ms. Christine Reichgott providing your agency's comments on the Juneau Access Improvements (JAI) Project Preliminary Draft Supplemental Environmental Impact Statement (PDSEIS). We appreciate the continued participation of the U.S. Environmental Protection Agency (EPA) in the JAI project as a cooperating agency.

We have reviewed the letter in detail and have made revisions for the Draft SEIS and Clean Water Act (CWA) Draft 404(b)(1) analysis to respond to some of your comments. Our responses to all of your comments are noted in brief below.

Executive Summary: Your letter recommends that an Executive Summary and impacts table be included in the Draft SEIS. The Draft SEIS will include an Executive Summary with an impacts comparison table.

Avoidance of Aquatic Impacts: Your letter recommends that Alternative 3 be re-evaluated for practicability in light of the delisting of the eastern Distinct Population Segment (DPS) of Steller sea lions as endangered species in 2013. The EPA recommends that the Draft SEIS, "...reassess the practicability analysis for Alternative 3, and re-evaluate the LEDPA [least environmentally damaging practicable alternative], ESA [Endangered Species Act], and significant degradation analyses."

The Federal Highway Administration (FHWA) considers Alternative 3 a reasonable alternative for purposes of the National Environmental Policy Act alternatives analysis and analyzed it in detail in the PDSEIS. We believe your concerns will be addressed in the Draft SEIS which will discuss the presence of both the eastern and western DPS of Steller sea lions in the project area. It will also explain the delisted status of the eastern DPS of Steller sea lions and the classification of the western DPS of Steller sea lions as an endangered species.

In the CWA Preliminary Draft Section 404(b)(1) analysis included in the PDSEIS (see *Update to Appendix X* in Appendix Z), the Department of Transportation and Public Facilities (DOT&PF)

considered Alternative 3 not practicable due to the lower traffic levels that it would generate and accommodate. In addition, substantial concerns raised in the past by your agency, the National Marine Fisheries Service, and the Alaska Department of Fish and Game about alternatives that would impact Berners Bay were addressed in the 2006 Final EIS and will be reflected in the Draft SEIS. In response to your concerns, DOT&PF will provide clarification and additional information regarding the practicability of Alternative 3 in the Draft Section 404(b)(1) analysis included in the Draft SEIS.

Minimization of Aquatic Impacts: Your letter recommends that FHWA and DOT&PF take additional actions to minimize aquatic impacts if the U.S. Army Corps of Engineers (USACE) determines that Alternative 2B is the LEDPA. You provide the example of minimizing or avoiding fill in the Katzechin River by using pilings instead of fill.

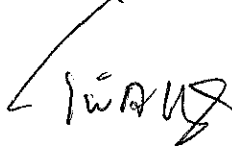
In the PDSEIS, Alternative 2B incorporated new environmental and engineering information made available since the 2006 Record of Decision to better minimize impacts to aquatic resources. In addition, the FHWA and the DOT&PF will evaluate the potential for reductions to the fill in this area as well as the potential to create wetlands at this location. The Final SEIS will describe any additional actions the FHWA and the DOT&PF would take to reduce aquatic impacts.

Compensation for Aquatic Impacts: Your letter notes that, "...compensatory mitigation for the unavoidable impacts to waters of the U.S. should be calculated based on a functional analysis and a debit-credit method, in accordance with the 2008 Compensatory Mitigation Rule (33CFR Part 332 and 40 CFR Part 230, Subpart J), as well as the Alaska District Regulatory Guidance Letter RGL 09-01. The proposed mitigation for this project does not provide adequate compensatory mitigation for the aquatic resource functions that will be lost due to the project."

At present, Alternative 2B would affect approximately 61 acres of wetlands and 32 acres of unvegetated intertidal and subtidal habitat. It would require 3 acres of stream channel work, but would not require deepwater rock disposal. A functional assessment of affected wetlands will be included in Appendix Z (*2013 Update to Appendix O-Wetlands Technical Report*) of the Draft SEIS. The FHWA and the DOT&PF will continue to coordinate with the USACE and the EPA on compensatory mitigation requirements to offset aquatic resource impacts to waters of the United States. As part of the Section 404 permitting process, FHWA and DOT&PF will consult with the USACE in order to categorize impacted wetlands and determine appropriate mitigation ratios, select an in-lieu-fee provider, and develop a compensatory mitigation plan that complies with the 2008 Compensatory Mitigation Rule. The final compensatory mitigation plan will be included in the Final SEIS.

Please do not hesitate to contact me (907) 586-7430 or Gary Hogins (907) 465-8143, DOT&PF Project Manager, if you have any questions or concerns at this time. We look forward to working with you in the development of the JAI SEIS.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Haugh', with a long horizontal stroke extending to the left.

Tim A. Haugh
Environmental Program Manager

Electronic cc:

Christine B. Reichgott, EPA, Manager, Environmental Review and Sediments
Management Unit
Matt Lacroix, EPA, Biologist, Aquatic Resources Unit
Gary Hogins, DOT&PF, Project Manager